



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Michael & Allyson Saad
DOCKET NO.: 06-01906.001-F-2
PARCEL NO.: 33-08-200-001-0011

The parties of record before the Property Tax Appeal Board are Michael & Allyson Saad, the appellants, by attorney Mark S. Goodwin, of Dukes, Ryan, Meyer, Freed, Goodwin & McMasters, Ltd., in Danville; and the Vermilion County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Vermilion County Board of Review is warranted. The correct assessed valuation of the property is:

F/Land:	\$3,460
Homesite:	\$8,950
Residence:	\$154,256
Outbuildings:	\$0
TOTAL:	\$166,666

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 7.25-acre parcel improved with a three year-old, two-story brick dwelling that contains 7,000 square feet of living area. Features of the home include central air conditioning, four fireplaces, a 4-car attached garage and a 3,500 square foot basement with 2,600 square feet of finished area, a patio, a swimming pool, a workshop and a sauna.

The appellants appeared before the Property Tax Appeal Board with their attorney claiming unequal treatment in the assessment process as the basis of the appeal. The appellants did not contest the subject's farmland assessment. Regarding the land inequity contention, the appellants submitted limited information on four comparable properties located 15 to 25 miles from the subject. Comparable one was described as five lots containing 27,950 square feet, comparable 2 was indicated to contain 1.73 acres, comparable 3 was shown to have 20.95 acres and comparable

4 was indicated to have 1.45 acres. No breakdown of farmland or homesite acreage for the subject or comparable 3 was submitted. The comparables were reported to have land assessments ranging from \$1,961 to \$16,844. The subject has a land assessment of \$12,410, which is composed of \$3,460 for the farmland and \$8,950 for the homesite. The appellants further submitted the subject's property record card, which indicated the subject contains 7.25 acres. The subject's farmland acreage was not clearly stated on the card. Based on this information, the appellants' requested the subject's land assessment be reduced to \$3,090.

Regarding the improvement inequity contention, the appellants submitted information on the same four properties used to support the land inequity contention. The comparables were described as two, two-story masonry or brick dwellings; one, part one-story and part two-story frame dwelling; and one, one and one-half-story tongue-and-groove log home. Three comparables were reported to range in age from 1930, with a newer addition, to 2003, while the age of the fourth comparable was not submitted. The comparables range in size from 2,881 to 5,177 square feet of living area. Three comparables were reported to have central air conditioning, one or four fireplaces, attached garages and finished basements ranging in size from 1,008 to 2,951 square feet. No air conditioning, fireplaces, garage or basement information was provided for the appellants' comparable 3. The comparables were reported to have improvement assessments ranging from \$23,711 to \$63,143 or from \$8.23 to \$17.78 per square foot of living area. The subject has an improvement assessment of \$154,256 or \$22.04 per square foot of living area. The appellants also submitted various charts and graphs depicting the subject's increase in assessed value compared to other properties. The appellants' comparables 1 was indicated to be on the market for \$394,000 and their comparable 2 was reported to have sold in December 2006 for \$380,000 or \$110.53 per square foot of living area including land. The appellants also reported they purchased the subject property on March 31, 2006 for \$620,000. Based on this evidence, the appellants requested the subject's improvement assessment be reduced to \$61,426 or \$8.78 per square foot of living area.

During the hearing, appellant Allyson Saad testified she thought the appellants' comparable 3 was built in the 2000's, but was unable to find more information about the comparable's features. Saad also testified the subject dwelling contains 5,355 square feet of living area, no blueprint or floor plan drawing to substantiate this claim was submitted into the record. She opined that a pallet plant located near the subject resulted in truck traffic and dust, adversely affecting the subject's value. She also stated the subject has all electric utilities and is less desirable than homes in Danville with gas. She claimed two of the board of review's comparables were located on a lake, one abutted a country club and one was in an exclusive subdivision, whereas the subject is in a rural location, a considerable distance from shopping, city streets and other amenities. The appellants submitted no credible market evidence as to what loss

in value the subject may have suffered because of these differences between the subject and comparables. She argued she and her husband came from the East coast, where property is valued much higher, and they grossly overpaid for the subject. When asked by the hearing officer if the listing price for the subject was higher than what the appellants ultimately paid for it, Ms. Saad agreed, but could not remember exactly. She claimed the subject's homesite was 0.27 acre. The appellants claimed the dramatic increase in the subject's assessment from 2005 to 2006 was the result of sales chasing by the board of review and reiterated their request that the subject's total assessment be reduced to \$64,516, reflecting a market value for the subject of approximately \$193,500.

During cross examination, appellant Ms. Saad acknowledged the appellants' purchase of the subject was an arm's-length transaction.

The board of review submitted its Board of Review Notes on Appeal wherein the subject's total assessment of \$166,666 was disclosed. The subject has an estimated market value of \$522,464, or \$74.64 per square foot of living area including land, as reflected by its assessment and Vermilion County's 2006 three-year median level of assessments of 31.90%.

In support of the subject's land assessment, the board of review submitted property record cards and a grid analysis of four comparable properties located 11 to 12 miles from the subject. The comparable lots range in size from 0.86 to 2.97 acres and have land assessments ranging from \$9,726 to \$44,499 or from \$3,685 to \$9,877 per acre.

In support of the subject's improvement assessment, the board of review submitted property record cards and a grid analysis of the same comparables used to support the subject's land assessment. The comparables consist of two-story style brick or brick and stone dwellings that range in age from 10 to 54 years and range in size from 4,376 to 7,150 square feet of living area. Features of the comparables include central air conditioning, one or three fireplaces, three-car to five-car garages and basements containing from 500 to 2,027 square feet of finished area. The comparables had various other amenities, such as a patio, lake view, a sauna, a hot tub and central vacuum and intercom systems. These properties have improvement assessments ranging from \$133,626 to \$166,873 or from \$23.39 to \$35.49 per square foot of living area. The board of review also submitted the multiple listing sheet for the subject, which indicates it contains 19.25 acres and the subject dwelling contains 7,000 square feet of living area. The board of review's comparables sold between June 2005 and April 2007 for prices ranging from \$369,800 to \$725,000 or from \$84.51 to \$126.67 per square foot of living area including land. Based on this evidence, the board of review requested the subject's assessment be confirmed.

During the hearing, board of review member Bob Huffman testified the subject's 2006 assessment increase was not a result of sales chasing, but was based on sales prices of the board of review's comparables. The new subject dwelling replaced a previous home that burned and the subject was not fully assessed to reflect the new home until 2006. Huffman acknowledge the board of review's comparable 3 included additional city lots so as to facilitate construction of a large home. When asked whether the subject's homesite was 0.27 acre in size, Huffman testified the acreage may be larger than that to include a road right-of-way of 0.33-acre and "a hydrography" of 1.47 acres. Huffman also stated the subject's total acreage includes 5.96 acres of farmland. The hearing officer ordered the appellants to submit within 15 days of the hearing a breakdown of the land assessments of their comparables, showing homesite and any relevant farmland, so as to facilitate a land assessment analysis. This breakdown was not submitted pursuant to the order.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds that a reduction in the subject's assessment is not warranted.

The Board first finds the appellants claimed the subject dwelling contains 5,355 square feet of living area, but they submitted no blueprint of floor plan drawing to support this claim. Therefore, the Board finds the subject contains 7,000 square feet of living area.

The appellants' argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellants have not met this burden.

Regarding the land inequity contention, the Board finds the parties submitted eight comparables with land areas ranging from 0.64-acre (27,950 square feet) to 20.95 acres. None of the comparables was located closer than ten miles from the subject. The subject's property record card depicted the subject as containing 7.25 acres, but no breakout of the farmland acreage, whose assessment was not contested, was indicated. The appellants' land comparables were described as having land assessments ranging from \$1,961 to \$16,844. The appellants were ordered to submit within 15 days of the hearing a breakdown of the land assessments of their land comparables, showing homesite and any relevant farmland, so as to facilitate a land assessment analysis. This breakdown was not submitted pursuant to the order. Testimony during the hearing was not clear as to the

subject's homesite size. The appellants claimed it was 0.27-acre, but Huffman claimed a road right-of-way and other land was included. Because a precise determination of the subject's homesite could not be made, and the appellants failed to break down the land assessments for their comparables, the Property Tax Appeal Board was unable to determine with specificity whether the subject's land assessment was inequitable, based on the information in this record. The board of review's comparables range in size from 0.86-acre to 2.97 acres and had land assessments ranging from \$9,726 to \$44,499 or from \$3,685 to \$9,877 per acre. Based on this analysis, the Board finds the appellants have failed to prove with clear and convincing evidence that the subject's land assessment was inequitable.

As to the improvement inequity contention, the parties submitted eight comparables. Again, none of the comparables was located proximate to the subject. The Board gave less weight to the appellants' comparables because they differed significantly in age, design, exterior construction, living area and/or various features when compared to the subject. The Board gave less weight to the board of review's comparable 2 because it was dissimilar to the subject in age and to comparable 3 because it differed from the subject in age and design. The Board finds the board of review's comparables 1 and 4 were similar to the subject in design, exterior construction, size and many features and had improvement assessments \$23.39 and \$30.54 per square foot of living area. The subject's improvement assessment of \$22.04 per square foot of living area falls below these two most representative comparables. The appellants argued the board of review's comparables had superior locations and amenities when compared to the subject. However, the appellants submitted no credible market evidence as to what loss in value the subject may have suffered because of these purported differences between the subject and the board of review's comparables.

The Board further finds the subject's March 2006 sale for \$620,000 was, by acknowledgment of Allyson Saad at the hearing, an arm's-length transaction. The subject's estimated market value of \$522,464 is well below the subject's sale price. While the basis of the appellants' appeal was assessment inequity, and notwithstanding their claim they overpaid for the subject, the Board finds this sale underscores the subject's assessment. Also, the Board finds the board of review's comparables 1 and 4, which were found above to be the comparables most similar to the subject in this record, sold for \$84.51 and \$101.40 per square foot of living area including land, respectively. The subject's estimated market value as reflected by its assessment of \$74.64 per square foot of living area including land falls below these two comparables as well.

The Illinois Supreme Court defined fair cash value as "what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced to do so." Springfield Marine Bank v. Property Tax Appeal Board, 44

Ill.2d. 428, (1970). A contemporaneous sale of property between parties dealing at arm's-length is a *relevant factor in determining the correctness of an assessment and is practically conclusive on the issue of whether an assessment is reflective of market value.* Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1st Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc, 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill.424 (1945) (emphasis added).

Proof of an assessment inequity should consist of more than a simple showing of assessed values of the subject and comparables together with their physical, locational, and jurisdictional similarities. There should also be market value considerations, if such credible evidence exists. The supreme court in Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395, 169 N.E.2d 769, discussed the constitutional requirement of uniformity. The court stated that "[u]niformity in taxation, as required by the constitution, implies equality in the burden of taxation." (Apex Motor Fuel, 20 Ill.2d at 401) The court in Apex Motor Fuel further stated:

"the rule of uniformity ... prohibits the taxation of one kind of property within the taxing district at one value while the same kind of property in the same district for taxation purposes is valued at either a grossly less value or a grossly higher value. [citation.]

Within this constitutional limitation, however, the General Assembly has the power to determine the method by which property may be valued for tax purposes. The constitutional provision for uniformity does [not] call ... for mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the statute in its general operation. A practical uniformity, rather than an absolute one, is the test.[citation.]" Apex Motor Fuel, 20 Ill.2d at 401.

In this context, the Illinois Supreme Court stated in Kankakee County that the cornerstone of uniform assessments is the fair cash value of the property in question. According to the court, uniformity is achieved only when all property with similar fair cash value is assessed at a consistent level. Kankakee County Board of Review, 131 Ill.2d at 21.

In conclusion, the Property Tax Appeal Board finds the appellants have failed to prove inequity regarding either the subject's land or improvement assessments by clear and convincing evidence and the subject's assessment as determined by the board of review is correct and no reduction is warranted.

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This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

Chairman

K. L. Ferr

Member

Mark Morris

Member

Frank J. Grief

Member

Shawn P. Lerbis

Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: October 22, 2010

Allen Castrovillari

Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.